

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

ULTRAVISION TECHNOLOGIES, LLC,

Plaintiff,

V.

HOLOPHANE EUROPE LIMITED,  
ACUITY BRANDS LIGHTING DE  
MEXICO DE RL DE CV, HOLOPHANE  
S.A. DE CV and ARIZONA (TIANJIN)  
ELECTRONICS PRODUCT TRADE CO.,  
LTD.

Defendants.

Case No. 2:19-cv-00291-JRG-RSP  
(LEAD CASE)

**JURY TRIAL DEMANDED**

**DEFENDANT ACUITY MEXICO'S NOTICE OF PRIOR ART  
PURSUANT TO 35 U.S.C. § 282(C)**

Pursuant to 35 U.S.C. § 282, Defendant Acuity Brands Lighting De Mexico S. de R.L. de C.V. (“Acuity Mexico”) hereby provides Plaintiff Ultravision Technologies, LLC (“Ultravision”) with notice of the prior art references and things upon which it may rely at trial to prove the invalidity of U.S. Patent Nos. 8,870,410, 8,870,413, and 10,223,946 (“the Asserted Patents”) and/or the state of the art. Acuity Mexico also hereby provides to Ultravision a list of names and addresses of persons who may be relied upon as either a prior inventor, as having a prior knowledge of the claimed inventions, and/or as having knowledge of prior use or offers for sale of the claimed inventions.

Acuity Mexico reserves the right to amend, modify, or supplement this notice, consistent with the provisions of Section 282.

In addition to those items identified below, Acuity Mexico incorporates by reference all prior art and information disclosed in its objections and responses to Ultravision's interrogatories, the opening expert report of Dr. Alfred Ducharme, Acuity Mexico's invalidity contentions and claim charts, as well as Acuity Mexico's pleadings in this case.

#### **I. PATENTS AND PATENT PUBLICATIONS**

<b>Country/Number</b>	<b>Patentee/Applicant</b>	<b>Date</b>
U.S. Patent No. 7,736,019	Shimada, et al.	October 10, 2006
U.S. Patent No. 8,585,253	Duong, et al.	August 20, 2009
U.S. Patent No. 8,408,737	Wright, et al.	March 10, 2010
U.S. Patent No. 8,157,413	Maxik, et al.	January 14, 2010
U.S. Patent No. 7,674,018	Holder, et al.	February 26, 2007
U.S. Patent Publication No. 2008/0080196	Ruud, et al.	December 3, 2009
U.S. Patent Publication No. 2010/0128488	Marcoux	November 23, 2009
Japanese Patent Publication No. JP 2004-281352	Kaiya, et al.	October 7, 2004

#### **II. OTHER PUBLICATIONS**

<b>Title</b>	<b>Author</b>	<b>Date</b>	<b>Pages</b>
Advanced Lighting Systems for Externally Lit Billboards, ET 08.12 Report	Design & Engineering Services, Southern California Edison	January 4, 2010	Title, pp. 1-52

#### **III. PRIOR ART PRODUCTS AND SYSTEMS THAT WERE IN "PUBLIC USE" AND/OR "ON SALE"**

<b>Title</b>	<b>On Sale or Public Use Date</b>	<b>Exemplary Support</b>
Aphos Solera RW Roadway Light	As early as March 2010	Solera RW Marketing Whitepaper (ULT-L0005276)

		<p>Solera RW Marketing Material (AuYeung Dep. Ex. 21)</p> <p>Solera AL Marketing Material (Little Dep. Ex. 5)</p> <p>Aphos News Announcing Solera (Little Dep. Ex. 6)</p>
<p>Aphos Billboard Lighting Fixture offered for sale by Ultravisions</p>	<p>At least by June 7, 2011</p>	<p>Ultravision LED Light Proposed Production Flow (ULT-L0004473-ULT-L0004474)</p> <p>April 13, 2011 Ultravision Presentation (ULT-L0002361 and ULT0L0002363)</p> <p>Picture of Aphos Billboard Light Fixture (ULT-L0002162)</p> <p>Picture of Aphos Billboard Light Fixture (ULT-L0002169)</p> <p>Specification Sheets for the Aphos Billboard Light (ULT-L0007047 and ULT-L0007049)</p> <p>Aphos Billboard Light Fixture Parts List and Picture (ULT-L0002318)</p> <p>Optics Picture of the Aphos Billboard Light Fixture (ULT-L0002184)</p> <p>May 3<sup>rd</sup>, 2011 Public Test of the Aphos Billboard Light Fixture (ULT-L0002456-ULT-L0002462)</p> <p>June 7, 2011 Offer to Sell the Aphos Billboard Light Fixture to Lamar (LAC-SS000808)</p> <p>June 21, 2011 Revised Offer to Sell the Aphos Billboard Light Fixture to Lamar (ULT-L0002028-ULT-L0002029)</p>

**IV. PERSONS HAVING KNOWLEDGE**

<b>Name</b>	<b>Contact Information</b>
Dr. Alfred Ducharme	Reachable through Acuity Mexico's counsel
Michael N. Gershowitz, PE	Reachable through Acuity Mexico's counsel
Mark Hand	Reachable through Acuity Mexico's counsel
Dr. Zane Coleman	Reachable through Ultravision's counsel
William Hall	Reachable through Ultravision's counsel
David AuYeung	Reachable through Ultravision's counsel
Simon Magarill	Reachable through Ultravision's counsel
William Little	Reachable through Ultravision's counsel
Greg Gauthier	Reachable through Richard G. Frenkel at Latham & Waktins LLP 140 Scott Drive Menlo Park, California 94025 650.463.3080 rick.frenkel@lw.com

**V. BACKGROUND ITEMS AND/OR OTHER INFORMATION**

Acuity Mexico provides notice of background items and/or other information to be relied upon in explaining the state of the art, the level of ordinary skill in the art, background of the technology at issue, terms or components in a reference above, motivation to combine, and the prosecution history of the patent-in-suit.

**A. Patents and Patent Publications**

<b>Country/Number</b>	<b>Patentee/Applicant</b>	<b>Date</b>
Indian Patent No. IN2774/CHE/2009	Rao	December 25, 2009
U.S. Patent No. 7,674,018	Holder et al.	August 30, 2007
U.S. Patent No. 7,459,773	Lim	December 29, 2005
U.S. Patent No. 8,454,215	Bollmann	July 15, 2009
U.S. Patent No. 7,360,923	Weber et al.	January 31, 2003
U.S. Patent Publication No. 2013/0135861	Chen et al.	November 24, 2011

Japanese Patent Application No. 2000215703	Koyama	August 4, 2000
Japanese Patent No. 4,746,152	Matsumoto	December 17, 2010
U.S. Patent No. 7,072,096	Holman	December 14, 2001
U.S. Patent No. 7,896,522	Heller	February 20, 2008
Korean Patent Publication No. 20080040086	Lee	May, 8, 2008
U.S. Patent Publication No. 2011/0188233	Josefowicz	September 15, 2008
U.S. Patent No. 7,938,558	Wilcox	July, 6, 2007
U.S. Patent No. 8,506,118	Maxik	January 26, 2009
U.S. Patent No. 8,256,919	Holder	December 3, 2008
U.S. Patent No. 9,121,582	Kunnune	May 5, 2010
U.S. Patent Publication No. 2013/0010468	Stoll	May 28, 2009
U.S. Patent No. 8,360,613	Little	August 27, 2010

**B. Other Publications**

<b>Title</b>	<b>Author</b>	<b>Date</b>	<b>Pages</b>
Freeform LED Lens for Uniform Illumination, 16 Optics Express, No. 17	Ding, et al.	2008	All
Optimization of Multi-Element LED Source for Uniform Illumination of Plane Surface, 19 Optics Express No. S4	Ramane	2011	All
Optical Design of a Freeform TIR Lens for LED Streetlight, 121 Optik	Jiang, et al.	2010	pp. 1761-1765
Winning the Optical Challenges in LED Street Lighting, TechZone Magazine	Lakkio	2011	All
New Reversing Design Method for LED Uniform Illumination, Optics Express	Wang	2011	All

LEDIL: A World of Innovation	Ledil	2011	All
Freeform Reflector Design with Extended Sources	Fournier	2011	All

**C. Prior art products and systems that were IN Public use and/or on sale**

<b>Title</b>	<b>On Sale Bar Date</b>
NEPTŪN LED – Ad Poster Billboard Luminaire	2010
Acuity Brands Lighting’s Ratio LED Light	2007
Lithonia Lighting’s D-Series Light Fixture	2010-2011
American Electric Lighting’s Autobahn Roadway Light	2010-2011
Ruud Lighting’s BetaLED Edge	2007
Ruud Lighting ‘s BetaLed LEDway	2009
Samsung’s 25W Platform LED Module with Flange	April 2012

January 29, 2021

Respectfully submitted,

/s/ Matthew S. Yungwirth

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**CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a) with a copy of this document via the Court's CM/ECF system.

/s/ Melissa R. Smith  
Melissa R. Smith